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SERVICE DATE – LATE RELEASE JANUARY 26, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-863X

CITY OF VENICE–ABANDONMENT EXEMPTION–
IN VENICE, IL AND ST. LOUIS, MO

Decided: January 26, 2004

On December 9, 2003, the City of Venice, IL (City) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon its entire 2.00-mile line of railroad, between milepost 0.55 near Branch Street Yard in St. Louis, MO, and milepost 0.0 at the state line at Venice, IL, and milepost 0.00 at Venice and milepost 1.45 at McKinley Junction, IL. The notice was served and published in the Federal Register (68 FR 75021) on December 29, 2003, and is scheduled to become effective on January 28, 2004.

On December 29, 2003, the Terminal Railroad Association of St. Louis (TRRA) filed comments, asserting that the City is not a railroad and that the notice of exemption should be rejected. On January 6, 2004, TRRA filed a petition to stay the effective date of the notice of exemption, incorporating arguments and evidence set forth in the comments it previously had filed. The City responded to the stay request on January 13, 2004. TRRA then filed a petition for reconsideration on January 21, 2004. On January 23, 2004, pursuant to the Board's decision on January 16, 2004, the City submitted its response to TRRA's comments.

In its January 23, 2004 filing, the City also filed a motion to strike TRRA's petition for reconsideration, claiming that the petition is an impermissible reply to the City's reply to TRRA's stay petition and that it duplicates assertions made by TRRA in its comments. The City asserts that it should not be burdened by having to file multiple responses. The City's motion to strike will be denied. The notice of exemption in the proceeding provided for the filing of petitions for reconsideration. The issues raised in TRRA's petition will be considered along with any responses to it that may be filed.

To permit full consideration and proper resolution of the issues raised by the parties, the effective date of the notice of exemption will be stayed pending resolution of these issues and further Board action.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The City's motion to strike will be denied.
2. The effective date of the notice of exemption that was served on December 29, 2003, is stayed pending resolution of various issues raised in this proceeding and further Board action.
3. This decision is effective on its service date.

By the Board, Roger Nober, Chairman.

Vernon A. Williams
Secretary